

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Ahmad Muhammad-Ali, a/k/a James)	Civil Action No. 1:15-308-MGL
Muhammad,)	
)	
)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
Ku Klux Klan, <i>et al.</i> ,)	
)	
Defendants.)	

Plaintiff Ahmad Muhammad-Ali, (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, brought this civil action construed as pursuant to 42 U.S.C. § 1983. (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for review pursuant to the procedural provisions of 28 U.S.C. § 1915 and § 1915A.

On August 13, 2015, the Magistrate Judge issued a Report and Recommendation, (“the Report”), (ECF No. 38), recommending that this case be dismissed *without prejudice* and without issuance and service of process. Objections to the Report were due by August 31, 2015. Plaintiff filed a timely Objection to the Report, (ECF No. 41), on August 31, 2015, as well as an untimely “supplement” to the Objection, (ECF No. 44), on September 11, 2015. The Court has nonetheless reviewed all of the aforementioned filings, and the matter is now ripe for decision.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is

made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). In the absence of a timely filed Objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

In light of the standards set forth above, the Court has reviewed, *de novo*, the Report, the Plaintiff’s Objection and the Plaintiff’s supplemental filing. The Court has undertaken this *de novo* review, even though Plaintiff’s short filings consist entirely of conclusory declarations of Plaintiff’s intention to “object” to and “appeal” the Magistrate Judge’s findings, along with a listing of the various parties that Plaintiff would like to see “charged” with various offenses. *See* ECF Nos. 41 and 44. No where in Plaintiff’s submissions does he meaningfully counter any of the reasoned conclusions of the Magistrate Judge.

For the forgoing reasons, the Court concurs with the reasoning of the Magistrate Judge and adopts the Report and incorporates it herein by reference, (ECF No. 38), overruling Plaintiff’s Objections. (ECF Nos. 41 and 44). Plaintiff’s Complaint is thereby **DISMISSED** *without prejudice* and without issuance and service of process. Additionally, Plaintiff’s Motion to Amend/Correct, (ECF No. 24), is **DENIED** as futile.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

September 21, 2015
Columbia, South Carolina